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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/584,030	08/14/2006	Paolo Spaggiarin	C&P-166US	6848
23122	7590	12/24/2008	EXAMINER	
RATNERPRESTIA			RHODES, JR, LEON W	
P.O. BOX 980			ART UNIT	PAPER NUMBER
VALLEY FORGE, PA 19482			4183	
MAIL DATE		DELIVERY MODE		
12/24/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/584,030	<b>Applicant(s)</b> SPEGGIORIN, PAOLO
	<b>Examiner</b> LEON W. RHODES, JR	<b>Art Unit</b> 4183

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 14 August 2006.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-11 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-11 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 06/22/2006 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1448)  
 Paper No(s)/Mail Date 6/22/2006

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Regarding claim 1, the phrases "or the like" and "other equipment" render the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like" and "other equipment"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d). It would be unclear to a person having ordinary skill in the art at the time of the invention what equipment besides photographic equipment would have a shutter release and what other equipment the apparatus would be mountable to, as the required structure of the device would be radically different if it were mounted to a satellite or a submarine for example. Claims 2-11 depend on claim 1 and inherit this indefiniteness.

### ***Claim Objections***

1. Claim 1-11 are objected to because of the following informalities: Claim 1 claims "Kit for remote control...", but should state "A kit for remote control..." in order to improve the readability of the claim and supply unequivocal antecedent basis for the kit,

which is referenced in every dependent claim. Claims 2-11 depend on claim 1 and inherit this objection. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

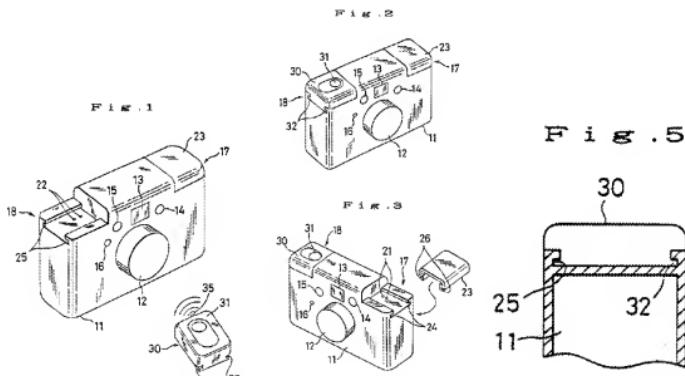
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, 8, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Kawano (US Patent 5,528,337).

6. Regarding claims 1-3, 8, and 11, Kawano shows in Figures 1-5 a remote control device **30** which is used to control the shutter release of photographic equipment (**Column 2, lines 43-45**), the remote control device having a release switch **31** (release button), and a mount for mounting the remote control device (Kawano shows two mounts, labeled **17** and **18**) in order to support the same on a photographic head or other equipment (the ability to mount the remote on a camera, a piece of other equipment, is described in **column 2, lines 57-63**), wherein a seat **25** (guide grooves) to receive the remote control device is provided in the mount and the remote control device is removably housed in the seat (**Fig 1, below**, shows the device removed, and **Fig 2** shows the device mounted into the seat). The mount as shown in Kawano comprises an incompletely closed annular strip defining the seat (as shown in **Fig 5**,

**below**, the two guide grooves 25, along with the flat surface forming the interface between the remote and the camera 11 forms an incomplete annulus, and this annulus can be seen in **Fig 1** to extend in another dimension, forming a strip). The remote control device of Kawano comprises two elongated bodies 32 (guide projections) which are capable of being completely housed in the seat (shown in **Fig 5** as being housed in the guide grooves 25). The remote control device of Kawano is an electrical remote control (described in **column 3 lines 35-40** as radiating an IR beam on depression of the button). . The device of Kawano is intended to be assembled and disassembled by a photographer, and thus the combination of the camera and remote control device thereof constitutes a kit.



***Claim Rejections - 35 USC § 103***

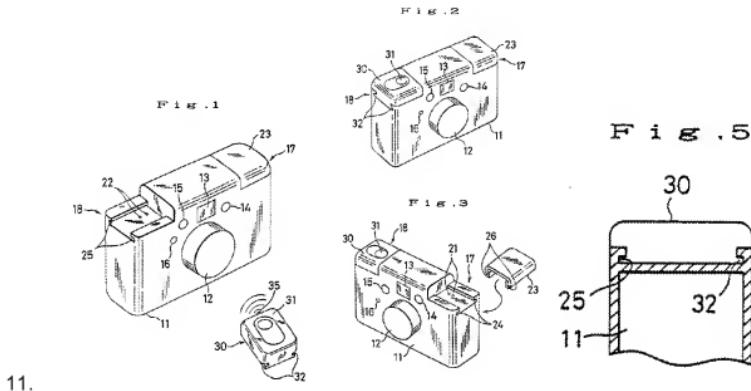
8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 4-7 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawano US Patent 5,528,337 (in an alternate interpretation than as applied to claim 1 above), in view of Kosugi et al (US Patent 4,525,052).

10. Regarding claims 4-7 and 9-10: Kawano shows in Figures 1-5 a remote control device **30** which is used to control the shutter release of photographic equipment (Column 2, lines 43-45), the remote control device having a release switch **31** (release button), and a mount for mounting the remote control device (Kawano shows two mounts, labeled **17** and **18**), wherein a seat **25** (guide grooves) to receive the remote control device is provided in the mount and the remote control device is removably housed in the seat (Fig 1, below, shows the device removed, and Fig 2 shows the device mounted into the seat). The mount as shown in Kawano comprises an incompletely closed annular strip defining the seat (as shown in Fig 5, below, the two guide grooves **25**, along with the flat surface forming the interface between the remote and the camera **11** forms an incomplete annulus, and this annulus can be seen in Fig 1 to extend in another dimension, forming a strip). The remote control device of Kawano comprises two elongated bodies **32** (guide projections) which are capable of being completely housed in the seat (shown in Fig 5 as being housed in the guide

grooves 25). The remote control device of Kawano is an electrical remote control (described in **column 3 lines 35-40** as radiating an IR beam on depression of the button).



11.

12. Kawano further teaches that the mount comprises an appendage 11, extending from the annular strip outside the seat. In Kawano the appendage is the camera body itself, which is connected to the annular strip and is outside of the seating area of the mount. The appendage of Kawano has two mounts 17 and 18 which differ from each other in relative position between the annular strip and the appendage (as seen in **Figures 1 and 3** in the mount 17 the appendage is on the left side of the annular strip 24 and in the mount 18 the appendage is on the right side of the annular strip 25). Kawano does not teach that the appendage has a fixing means, that the fixing means comprises at least one hole in the appendage. Also Kawano does not teach that the mount is arranged to support the remote control device on a photographic head, or that

the mount is removably securable to an orientatable photographic head in a plurality of alternative operating positions.

13. Kosugi teaches in **Fig 1** a tripod with an orientatable photographic head **18** (universal head capable of tilting and turning **column 2, lines 11-16**). The head of Kosugi also includes a bolt **66** which engages with a hole on a camera which is removably mounted to the tripod (indicated by **C** in **Figure 3** and described in **Column 4 lines 31-40**). The mounted camera is held in such a way as to be secured to the camera mount, once the body shown in figure 3 is attached to the camera head as described in **column 4, lines 51-64**. It would have been obvious to a person having ordinary skill in the art at the time of the invention to use the camera of Kawano with the tripod and removable mount of Kosugi for the purpose of allowing the camera to be steadily pointed in any direction, especially considering that the camera of Kawano is for use with a remote control, with the operator potentially not directly holding the camera. The use of the camera of Kawano with the removable mount of Kosugi would result in an apparatus where the appendage (that is, the camera body) has a fixing means, comprising a hole for the bolt of Kosugi, and is removably securable to the orientatable photographic head of Kosugi, which may be turned and tilted resulting in the appendage being in a plurality of operating positions. Because the mounts are connected to the appendage, and the appendage is connected to the orientatable photographic head, the mounts are arranged to support the remote control device on a photographic head. The devices of Kawano and Kusugi are intended to be assembled and disassembled by a photographer, and thus the combination thereof constitutes a kit.

***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Kawano (US Patent 5,325,143) describes an accessory for a camera with a remote control and a hole for attachment to a tripod head.
- b. Harada et al (US Patent 5,682,557) teaches a camera of similar design of Kawano, used in the rejections of claims 1-11 above, with removable remote control and multiple mounts for the remote control.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEON W. RHODES, JR whose telephone number is 571-270-5774. The examiner can normally be reached on Monday thru Thursday 07:00 thru 17:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Landau can be reached on 571-272-1731. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Matthew C. Landau/  
Supervisory Patent Examiner, Art  
Unit 4183

/L. W. R./  
Examiner, Art Unit 4183  
December 16<sup>th</sup> 2008